



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

5HR-11

JUN 28 1988

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard Beard
Hi-Mill Manufacturing Co.
1704 E. Highland
Highland, Michigan
48031

Re: Hi-Mill Manufacturing Co.
Highland, Michigan

Special Notice of Potential Liability

Dear Sir:

The United States Environmental Protection Agency (U.S. EPA or "the Agency") has documented the release or threatened release of hazardous substances, pollutants and contaminants at the above referenced site (hereinafter referred to as the Facility), and is planning to spend public funds to undertake an investigation and control of the release or threatened release at the Facility. Unless the U.S. EPA determines that a potentially responsible party (PRP) will properly and promptly perform such action, the U.S. EPA will itself perform such action pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, (CERCLA), 42 U.S.C. Section 9601 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499, 100 Stat. 1613 (1986) (SARA). The U.S. EPA has information that you may be a PRP. Therefore, pursuant to Section 122(e) of SARA, the purpose of this letter is to notify you of your potential liability with respect to the Facility. According to Section 107 of CERCLA, PRPs who may be liable include the current and former owners or operators of the Facility, and persons who generated the hazardous substances or were involved in the transport, treatment, or disposal of them at the Facility.

Pursuant to Section 122(e) of SARA, the U.S. EPA has determined that a period of negotiation will facilitate an agreement with you and other PRPs. As your receipt of this Special Notice will occur on or about July 1, 1988, you will have a maximum of 60 calendar days from that date to coordinate with any other PRPs and to present to U.S. EPA a "good faith" proposal including a definite start date and time lines for implementing and conducting the following activities:

1. A Remedial Investigation to identify the local hydrogeological characteristics, and to define the nature and extent of soil, air, ground and surface water contamination at the Facility, and

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Harold C. Catchpole

2. A Feasibility Study to develop and evaluate possible remedial actions to remove or contain hazardous substances, pollutants, and contaminants at the Facility.

Such proposal shall include the name of the contractor you have selected to conduct the Remedial Investigation/Feasibility Study and a summary of the contractor's qualifications.

The U.S. EPA would like to encourage "good faith" negotiations among you, other PRPs, and the Agency. If several PRPs are interested in conducting the Remedial Investigation/Feasibility Study (RI/FS), it will be necessary to organize yourselves into a single representative body. To encourage this, the Agency has enclosed a list of names and addresses of other PRPs who are also receiving this letter, and an identification of the type of involvement each PRP is believed to have had at the Facility. The volumetric ranking of hazardous substances contemplated by Section 122(e)(1)(B) and (C) of SARA is not available.

During the 60 calendar day period, beginning on July 1, 1988, the U.S. EPA will not commence the RI/FS at the Facility. If the PRPs provide the Agency with a written "good faith" proposal with a definite start date and time line for implementing the RI/FS within the 60 calendar day period, the U.S. EPA will extend the moratorium on commencement of the RI/FS work an additional 30 calendar days. The purpose of this additional time is to allow the PRPs and the Agency adequate time to finalize a settlement.

To further facilitate your and any other PRPs ability to present a "good faith" proposal within the 60 day time limit, a meeting will be held at the U.S. EPA, Region V Office, located at 230 South Dearborn Street, Chicago, Illinois, on ~~on about July 20, 1988~~, to further discuss this matter. The exact time and place has not been determined. Please call Mr. Peter Miller at (312) 886-4783 if you intend to appear or be represented at the meeting.

Except in extraordinary circumstances explained in a written request, no extension to this 60 day period will be considered by the Agency. If a "good faith" proposal is not received within 60 calendar days, the U.S. EPA, pursuant to Section 122(e)(4) of SARA, will proceed to perform the RI/FS utilizing public funds available to the Agency. This Special Notice does not preclude the Agency from performing other studies or investigations under Section 104(b) of CERCLA as modified by SARA.

If you are already involved in discussions with State or local authorities, are engaged in voluntary action, or are involved in a lawsuit involving this Facility, you may continue such activities. This letter is not intended to advise or direct you to restrict or discontinue any such activities; however, you are advised to report the status of those discussions or actions in your proposal to the Agency and also to provide a copy of your proposal to any other parties involved in those discussions or actions.

Under Section 106(a) of CERCLA, potentially responsible parties may be ordered to implement relief actions deemed necessary by U.S. EPA to protect the public health, welfare or the environment from an imminent and substantial endangerment because of an actual or threatened release of a hazardous substance from a Facility.

Under Section 107(a) of CERCLA, potentially responsible parties may be liable for costs incurred by the government, through the use of public funds, in responding to any release or threatened release from the Facility. Such costs can include, but are not limited to, expenditures for planning, investigation, studies, clean-up, and enforcement.

Following completion of the RI/FS and any other necessary studies, U.S. EPA will determine the appropriate remedial action for the Facility. You may then be contacted again to undertake implementation of such remedy, possibly including design.

If you have an attorney handling your legal matters, please direct his or her questions to Ms. Maria Gonzales of the Office of Regional Counsel, U.S. EPA, Region V, at (312) 353-1129.

If you need further information regarding this letter, you may contact Mr. Peter Miller of the Remedial and Enforcement Response Branch, U.S. EPA, Region V, at (312) 886-4783.

By a copy of this letter, the Agency is notifying the State of Michigan and the Natural Resource Trustee of our intent to enter into negotiations for an RI/FS at this Facility.

The Agency strongly encourages you to take immediate steps to familiarize yourself with the Facility's condition and organize into a committee to negotiate an agreement with U.S. EPA to conduct the RI/FS. We hope that you will give this matter your immediate attention.

Sincerely yours,



Mary A. Gade, Acting Associate Director
Office of Superfund

Enclosure